Q. How long have you lived there?

A. Since 1950.

Q. In 1950 did you acquire from your mother title to some property on Old Shepherdsville Road?

A. Yes.

Q. Real property?

A. Yes.

Q. Is this the deed to the property (indicating)?

A. Yes, sir.

Mr. Lusky: For the record, I will say this is a deed from Lizzie Oberan who is your mother, to Sam Thompson, deed No. 2450, recorded in Deed Book 2605 Page 466, in the Jefferson County Clerk's Office.

A. Yes.

Q. This real property consists of what?

A. Three lots.

Q. Where are those lots with reference to the property you live in?

A. On the righthand side of old Shepherdsville Road.

Q. And you live in the house adjacent to these lots?

A. Right next door.



Q. Who owns the house?

A. Well, I am the up-keeper of the house.

Q. By that you mean that you keep up the house for the owner and they let you live there rent free?

A. Yes.

Q. You are the sole owner of these lots?

A. Yes.

Mr. Lusky: Your Honor, I have the tax bills on them.

The Court: That's not necessary.

Q. Did you go from your home to Louisville on January 14th—what time?

A. It was about ten minutes after one o'clock—it

takes the bus at least thirty minutes to come in town—the Buechel bus.

Q. What was the purpose of your coming in town?

A. I brought in some old junk to sell to a junk dealer.

Q. Where did you get the junk from?

A. From my home.

Q. You brought some junk in and sold it to a junk dealer?

A. Yes.

Q. Where is that junk dealer located?

A. Preston and Liberty.

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Q. Where did you get off the bus?

A. Preston and Jefferson.

Q. What did you do then?

A. I went to the junk store.

Q. Did you sell the junk?

A. Yes, it only brought about ninety cents—just a lot of old junk.

Q. How much money did you have when you came in?

A. Well, I had some change—I had a dollar—the fare from Buechel is twenty cents—you don't get a ticket.

Q. When you got off the bus how much money did you have?

A. I went over—I don't recall, I got ninety cents for the junk and I came back to Jefferson Street and went into the fish market and bought a roll of oysters and I had a fish sandwich and a cup of coffee—

Q. How much did you pay for that?

A. Forty-six cents, and then I went down the street—I came down Jefferson Street to another place, I believe they call it Happy's Cafe—I had been there previously and owed the man in there a quarter and I stopped in to pay the quarter I owed him and bought a bottle of soft

drink—

Q. Did you have any money left?

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A. I had seventy or seventy-one cents left.

Q. And where did you go from there?

A. I went down to Sixth and Jefferson—walked down to Walnut—well, I walked around a while, mostly waiting for the time for the bus to go out.

Q. Does that bus run on a schedule?

A. Yes.

Q. It runs about how often—

A. It has about the same schedule.

Q. It runs on a schedule?

A. Yes.

Q. Did you have a schedule in your pocket at the time the officer arrested you?

A. Yes.

Q. Well, you came back down Jefferson to the bus station which is between Liberty and Jefferson on Second?

A. Yes.

Q. About what time was that?

A. I will say between a quarter past three and a quarter to four.

Q. It was between a quarter past three and a quarter to four?

A. Yes.

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Q. Was there a bus to Fern Creek or Buechel that you could catch at that station before 4:40?

A. I believe the Buechel bus leaves a few minutes before the Fern Creek bus and you can catch the bus at the Union Bus Station.

Q. When you got to the bus station, what did you do?

A. I got a drink of water at the fountain and went out

on Jefferson Street—I stopped to get a drink of water and Miss Ford was sitting on the bench facing Jefferson Street and I went over there and sat down and talked to her and was talking to her when the officers walked in.

Q. How long had you known this Miss Ford?

A. Since I had been out there.

Q. She is a neighbor of yours?

A. Yes.

Q. State whether or not you had ridden the bus together?

A. Oh, yes, her sister does more than she does.

Q. Was she a friend of your mother's?

A. Yes.

Q. Now, you say you sat in the waiting room and talked to Mrs. Ford?

A. Yes.

Q. Which way were you facing?

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A. I was facing Jefferson Street when the officers came in—one came in the side door and the other officer came in the front of the Jefferson Street side.

Q. What happened then?

A. Immediately when he walked in he looked at me and told me to get up and he pointed at different ones—this fellow and that fellow (indicating) and I asked him who he was talking to and he said "I am talking to you, get up" and I said "for what?" and he said "Get up" and I said "What are you locking me up for, I am going to catch the Fern Creek bus and he stood me against the wall and then picked up the other guys—

Q. Did you talk to the other men?

A. Not inside.

Q. Did you talk to them outside?

A. No. I have seen some of them from time to time

in the station.

Q. Were you talking to anybody other than Miss Ford at the time the officers walked in?

A. No.

Q. Did Officer Suter ask you how much money you had?

A. No, he didn't ask me that.

Q. Did he search you?

A. He just patted me around like that (indicating).

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Q. Did he put his hand in your pocket?

A. No.

Q. Did he ask you if you had bus fare?

A. No.

Q. Did you have bus fare?

A. Certainly.

Q. You have been riding those busses for how long?

A. Ever since I have been out there, since 1950.

Q. Did the dispatcher at the bus station make any objection to your being there?

A. No, he didn't because—

Q. Was Mr. Robinson sitting on the same bench with you when the officer came in?

A. No.

Q. Do you know where he was?

A. He was sitting on the other side of the bench.

Q. You had not said anything to him?

A. No, sir, I was talking to Miss Ford.

Q. Had you drunk any wine that day?

A. No.

Q. Had you had anything else besides water?

A. No—well, I had this Seven-Up—Cream Soda.

Q. Officer Suter said he smelled wine on you,

is that true, or not?

A. No, it is not.

Cross-examination by Mr. Dougherty

Q. You say you didn't talk to these men inside: Did you talk to them outside? What did you say to them outside?

Mr. Lusky: Object; he said he didn't talk to them outside.

The Court: Let him ask him.

Mr. Lusky: That's a misleading question.

Mr. Dougherty: You are supposed to mislead on cross-examination.

A. Well, this fellow here (indicating) asked me for a match.

Q. You have seen him there many times?

A. I have seen him there.

Q. And you have been in that bus station many times?

A. Quite often.

Q. You know that a lot of perverts hang around that bus station?

Mr. Lusky: Object.

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The Court: If he knows he can answer.

Q. You know that, don't you?

A. It is none of my business what they do.

Q. But you know they hang around there?

A. Well, I guess they hang around everywhere.

Q. That's the reason these police visit that place to catch these winos who make dates?

Mr. Lusky: Object.

Q. You have been arrested there before for loitering?

A. I certainly have.

Mr. Lusky: Object to previous arrests.

The Court: I will have to overrule the objection.

Mr. Lusky: Exception.

Q. How many times have you been arrested for loitering?

Mr. Lusky: Object.

Q. About how many times?

A. Well, I don't know, like I said, I have been riding the bus—

The Court: He asked how many times you have been arrested on a similar charge.

A. Well, Mr. Suter always arrests me when I go



there to catch the bus to go to Buechel—

Q. (Interrupting) You have been convicted on that too, have you not?

A. Not lately.

Q. How often—

Mr. Lusky: May it please the Court, can I have a continuous objection to this line of questioning?

The Court: Yes, we will note your objection.

Q. When they brought you down the station house they searched you, didn't they?

A. Yes.

Q. And took your property, didn't they?

A. Yes.

Q. What property did they take off of you?

A. Well, everything—took my billfold and I had a bus schedule—

Q. Were you given a receipt for that?

A. Yes.

Q. Where is the receipt they gave you for your money and your property?

A. Well, they took it downstairs—they sent it down

to the property room.

Q. When they took it to the property room, they

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gave you a receipt, did they?

A. Yes.

Q. Where is that receipt?

A. Down in the property room.

Q. You turned it in when you got your property?

A. Yes, I had to.

Q. Did you get any of it back?

A. Yes.

Q. How much money did you get back?

A. Well, at one time I got $5—

Q. And that $5 would show on your property receipt—that was—

A. (Interrupting) That was another time.

Q. I am talking about this time.

A. Well, I only had some change this time and they don't take the change at all.

Q. Didn't they check in your property at this time?

A. Well, they took my fingernail clip and my keys to the house and the bus schedule and my billfold.

Q. Did they give you a receipt for that?

A. Yes.

Q. Where is that?

A. I turned that back in in order to get my stuff back.

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Q. But it didn't show you had any money on that receipt?

A. Well, I just had some change and they let you keep your change.

Q. How much was that?

A. I think seventy cents.

Q. What time was your bus due?

A. Between 3:30—about a quarter to four.

Q. And this was what time when the officer picked you up?

A. 3:30.

Q. You had no bus ticket?

A. You don't buy a bus ticket.

Q. You know that the bus dispatcher didn't want you in there—

Mr. Lusky: Object: I know better than that because I talked to the dispatcher. I talked to the dispatcher and he said he didn't call the officers.

Q. Didn't the dispatcher complain about these winos being in there?

Mr. Lusky: Object, and move that that be stricken.

Q. Now, you say you just work one day a week?

A. I work for Dr. Dean one day a week—



Q. You were only working one day a week at the time this occurred?

A. Yes.

Q. And the rest of the time you hung around this bus station?

Mr. Lusky: Object.

A. No.

Q. Is your mother still living?

A. No.

Redirect Examination by Mr. Lusky

Q. Had you suffered an injury to your left arm on Saturday the 10th of January?

A. Yes.

Q. Was that such that it required seven stitches at the time?

A. Yes.

Q. Were you able to work after that—

The Court: He said he worked a full day.

Q. Did Officer Suter to your knowledge—I don't know what his answer will be—did he have any knowledge of this injury to your arm?

A. I am quite sure he did.



Q. Will you tell the Court how he knew about this previous injury?

A. Well, another officer knew—

The Court: Just what this officer knew.

A. Well, on the way down to the police station they were having a picnic.

Q. Had you seen Officer Suter the previous Saturday?

A. Yes.

Q. Will you state the circumstances under which you had seen him?

Mr. Dougherty: Object.

Q. How did he know that your arm was injured?

A. The other officer made the remark—

The Court: How did you injure your arm?

Q. Was it cut with a knife?

A. Yes.

The Court: In a cutting scrape?

Mr. Lusky Object.

The Court: Had you been in a cutting scrape the Saturday night before that?

A. Yes.

Mr. Lusky: I would like to offer, since



I want the record to be straight and I will prove it unless it can be stipulated that on January 10th Mr. Thompson was stabbed in the arm on Jefferson Street by a stranger, unknown to him, that Mr. Thompson followed this stranger

down the street and hailed a squad car and asked the officer to arrest this man, but instead of arresting the man, Mr. Thompson was arrested and charged with disorderly conduct.

Mr. Dougherty: I certainly would not stipulate that.

Q. Did you do anything to bring this stabbing about?

Mr. Dougherty: Object.

A. No.

Q. Officer Suter, did you talk to this man on the 10th?

Mr. Suter: I was not working on the 10th or the 11th.

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ALMA FORD, called for the defendant, being first duly sworn, was examined by Mr. Lusky, and testified as follows:

Q. What is your name?

A. Alma Ford.

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Q. Where do you live?

A. 1728 Lucas.

Q. What do you do?

A. I do domestic work.

Q. How long have you known Mr. Thompson?

A. Ever since he has been in Buechel.

Q. About a matter of some years?

A. About eight or nine years.

Q. Did you see him on the afternoon of January 14th?

A. Yes, sir.

Q. What time?

A. Between 3:30 and a quarter to 4:00.

Q. Where did you see him?

A. He was in the Union Bus Station at 231 Jefferson.

Q. State whether or not he sat down next to you and talked to you?

A. Yes. After he took drink of water he went over—he sat down facing the Jefferson Street side and was sitting

there talking to me when the officers came in— one came in from the left side— the right side door, and the other one came in the front way and they asked the different men what they were doing in there and they had different excuses as to what they were waiting for and what-not, and so Mr. Thompson was sitting there talking to me

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and then the Officer turned around to Mr. Thompson and said "Hey, you" and Mr. Thompson said "You mean me"? and the officer said "Yes", so Mr. Thompson walked over to him—he walked over to him and he began searching and then he took him out to the police car that was waiting outside and then took him on down.

Q. Your testimony is he was talking to you at the time Officer Suter came in the bus station?

A. Yes.

Q. Could you possibly be mistaken about that?

A. No, sir.

Q. Was Mr. Robinson sitting near him?

A. No.

Q. Was he talking to Mr. Robinson?

A. No; Mr. Robinson was standing up against the radiator like he was getting his hands warm.

Q. Did Mr. Thompson have any wine or any liquor on his breath?

A. No.

Q. How long had you been talking to Mr. Thompson before Officer Suter came in?

A. About four or five minutes.

Q. Did you hear him tell Officer Suter he was waiting there for a bus?

A. Yes, sir; he said he was waiting for the

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Fern Creek bus.

Q. You have ridden that bus with him before?

A. Yes, he leaves on the 3:45, or the other one at 4:30.

Cross-examination by Mr. Dougherty

Q. How long have you known him?

A. Eight or nine years.

Q. You know these other fellows?

A. No.

Q. You say you ride the bus all the time?

A. Yes.

Q. About how many times a week?

A. I ride the bus five days a week.

Q. You have never seen these fellows in the bus station before?

A. Yes, I have seen them in the bus station.

Q. Did you ever see Thompson drinking wine in there at times?

A. No.

Q. Now, you want to do everything you can to help Mr. Thompson?

A. Sir?



Q. You want to do everything you can to help him?

A. Yes, and I want to tell the truth.

Q. Where do you work?

A. Well, on Tuesdays I work for the Doolans and Wednesday I work for Mrs. Hardin and—

Q. Is that Mrs. W. L. Doolan?

A. Yes, and I work for Mrs. Bland and Mrs. Kennedy and Mrs. Ziegland, and—

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OWEN ROBINSON, called for the defendant, being first duly sworn, was examined by Mr. Lusky, and testified as follows:

*Testimony of Owen Robinson*

Q. What is your name?

A. Owen Robinson.

Q. You are one of the defendants in a case here today?

A. Yes.

Q. And you were arrested in the Union Bus Terminal on the afternoon of January 14th about a quarter to four in the afternoon?

A. Yes.

Q. On that day did you see Mr. Thompson?

A. I saw him there.

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Q. Did you talk to him?

A. No.

Q. Did you talk to him that day?

A. No.

Q. Had he said a word at all to you?

A. No.

Cross-examination by Mr. Dougherty

Q. Did you talk to him on the outside that day?

A. No.

Q. You are the one that had the pint of wine?

A. Yes.

Q. And did Thompson drink out of that pint of wine?

Mr. Lusky: Object.

A. No, I was the only one.

Q. Where did you get the wine?

A. I got it across the street from the bus terminal.

Q. How long have you known Mr. Thompson?

A. I don't know him now.

Q. Where do you work?

A. 211 South Third for John W. Conniffe.

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Q. Every day?

A. Yes.

Q. What are your hours of work?

A. Well, I might start at five o'clock in the morning and work until 6:30.

Q. What kind of work do you do?

A. Porter work.

Q. Why do you hang around that bus station?

A. I don't hang around there.

Q. But you were drinking on this occasion—you were drunk?

A. I wasn't drunk.

Q. You weren't drunk?

A. No.

Q. But you had a pint of wine?

A. Yes, I did.

Q. Did you smell any liquor on Mr. Thompson's breath?

A. Well, I couldn't tell that because you know when you are drinking you can't smell it on anybody else.

Q. Then your answer is you didn't smell it on his breath because you had been drinking?

A. That's right.

The Defendant Here Rested.

The Court: Do you want an appealable



fine, otherwise, I will give you the minimum fine of $10, unless you want an appealable fine.

Mr. Lusky: If there is going to be a fine I would like for it to be an appealable fine, but first, I would like to file a brief after I get this transcript.

Mr. Dougherty: I object to that, because we have thousands of cases here and every time this gentleman comes in with a case he wants to make a federal case out of it and this is nothing but a two-bit case.

The Court: The officer has testified he has arrested this man before on similar charges and I am basing my decision on that.

Mr. Lusky: I would like to have a chance to be heard on this matter. This man was there to catch a bus and the officer testified he told him he was there to catch a bus and he had bus fare in his pocket—

The Court: He had no money.

Mr. Lusky: But he didn't search the man and he has been riding the bus with this woman that testified for years.

The Court: The officer testified he didn't have any money.

Mr. Lusky: It has to be agreed that he told the police officer that he was there to catch a bus.

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Mr. Dougherty: Was he going to wait til midnight to catch a bus?

Mr. Lusky: He was only there about five minutes and that's not contradicted.

Mr. Dougherty: This man has a long record of arrests and has been charged with perversion.

Mr. Lusky: I am not running him for public office; I am just defending him here on these charges and claim he is not guilty of this crime.

The Court: If you want to appeal it, I will make it $20 on the loitering and file the vagrancy away.

Mr. Lusky: We would like to have the vagrancy dismissed.

Mr. Dougherty: Your Honor, he is just doing that to try to intimidate the officer.

Mr. Lusky: Nothing of the sort, the testimony is that he had means of support.

The Court: I have a right in the vagrancy case to

either give him a $10 fine or thirty days in jail, or both and if you want an appealable fine I will give you the thirty days—I will either give him $10 on the vagrancy or thirty days.

Mr. Lusky: What happens if he doesn't pay the $10?

The Court: He has to work it out.

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Mr. Lusky: The $10 fine is not appealable?

The Court: No. Change the $10 fine on vagrancy to thirty days for the purpose of appeal and I will make it $20 on the loitering charge because counsel asked me to make it large enough to appeal.

Mr. Lusky: For the record I want to make a motion for a new trial, which I assume Your Honor will overrule, but I want to make a motion for a new trial on the ground that the statute and the ordinance as applied here deprive the defendant of his liberty and property without due process of law, in violation of the 14th Amendment to the United States Constitution.

The Court: Let the record show that the motion is overruled and also let the record show that on the loitering charge the court proposed to give a $10 fine but counsel desires an appealable fine so I will make the fine $20 on the loitering, and the vagrancy charge, the Court proposed to file away that charge but counsel for defendant insists upon a dismissal and I was going to make a $10 fine on the vagrancy charge but counsel desires an appealable fine so I will make the fine thirty days in jail on the vagrancy charge.

State of Kentucky
County of Jefferson } ss.

I, James G. Warren, Official Stenographer, Police Court of Louisville, Kentucky, do hereby certify that the foregoing is a full, true and correct transcript of the said testimony given in the above styled action.

Witness my hand this 28th day of January, 1959.

(s) James G. Warren,
Official Stenographer, Police Court
Louisville, Kentucky.

# EXHIBIT "C".

BUECHEL BUS CO.
LOUISVILLE - APPLIANCE PARK SCHEDULE
Daily except Sunday and Holiday

| INBOUND | | XS | | | | | | | XS | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| READ DOWN | AM | AM | AM | AM | AM | AM | AM | PM | PM | PM | PM | PM | PM | PM |
| APPLIANCE PARK GATE #5 | — | — | 707 | — | — | — | — | — | G | — | 335 | — | — | — |
| APPLIANCE PARK GATE #2 | @525 | @613 | * | 800 | 855 | 1016 | 1136 | 103 | 200 | 225 | 340 | 425 | 530 | 730 |
| BASHFORD MANOR & NEWBURG | 538 | 626 | 721 | 811 | 906 | 1027 | 1147 | | | | | | | |
| BARDSTOWN & DOUGLASS | 550 | 638 | 733 | 823 | 918 | 1039 | 1159 | 119 | 216 | 241 | 356 | 441 | 546 | 746 |
| LOUISVILLE ARR. (LTC) | 609 | 657 | 752 | 842 | 937 | 1058 | 1218 | 138 | 235 | 300 | 415 | 500 | 605 | 805 |

| OUTBOUND | | XS | | | | | | | XS | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| READ DOWN | AM | AM | AM | AM | AM | AM | PM | PM | PM | PM | PM | PM | PM | PM |
| LOUISVILLE LV. (LTC) | 610 | 710 | 805 | 845 | 940 | 1100 | 1220 | 140 | 235 | 315 | 430 | 515 | 615 | 815 |
| BARDSTOWN & DOUGLASS | 629 | 729 | 824 | 904 | 959 | 1119 | 1239 | 159 | 254 | 334 | 449 | 534 | 634 | 834 |
| BASHFORD MANOR & NEWBURG | | | | | | | 1252 | 212 | 307 | 347 | 502 | 547 | 647 | 847 |
| APPLIANCE PARK GATE #2 | 645 | 745 | 840 | 920 | 1015 | 1135 | 102 | 222 | * | 357 | 512 | 557 | 657 | 857 |
| APPLIANCE PARK GATE #5 | 650 | | | G | | | | | 320 | | | G | | |

SUNDAY & HOLIDAY TO LOUISVILLE
Via Bardstown Road

| INBOUND | | | OUTBOUND | | |
|---|---|---|---|---|---|
| Lv. Newburg & Shep. Rd. | Bashford Manor & Newburg Rd. | Arr. Lou. (LTC) | Lv Lou. (LTC) | Bashford Manor & Newburg Rd. | Arr. Newburg & Shep. Rd. |
| AM | AM | AM | AM | AM | AM |
| 900 | 910 | 937 | 945 | | 1015 |
| 1030 | 1040 | 1107 | 1115 | | 1145 |
| PM | | PM | PM | PM | PM |
| 300 | | 330 | 330 | 357 | 407 |
| 430 | | 500 | 500 | 527 | 537 |
| 600 | | 630 | 630 | 657 | 707 |
| 730 | | 800 | 800 | 827 | 837 |

* - Via Shepherdsville Road and Poplar Level Road.

@ - From Bardstown and Shepherdsville to Newburg and Shepherdsville, then north.

G - To or from Garage.

XS - Does not run on Saturdays.

Effective January 11, 1959.

# EXHIBIT "D".

**EXHIBIT "D".**

# BLUE MOTOR COACH LINES

**FERN CREEK – LOUISVILLE**

SCHEDULE EFFECTIVE SEPTEMBER 16, 1957

STATIONS **FERN CREEK: EAT SHOPPE**
**LOUISVILLE: 213 W. LIBERTY STREET**

SCHEDULE FOR WEEK DAYS Phone JU 4-5336

| OUTBOUND | | | | | INBOUND | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Leave Louisville | Leave Gardiner Lane | Leave Buechel | Leave Rest Haven | Arrive Fern Creek | Leave Fern Creek | Leave Rest Haven | Leave Buechel | Leave Gardiner Lane | Arrive Louisville |
| A.M. | | | | | A.M. | | | | |
| 5.00 | 5.25 | 5.30 | 5.33 | 5.40 | 5.40 | 5.47 | 5.50 | 5.55 | 6.20 |
| 5.30 | 5.55 | 6.00 | 6.03 | 6.10 | 6.10 | 6.17 | 6.20 | 6.25 | 6.50 |
| 6.00 | 6.25 | 6.30 | 6.33 | 6.40 | 6.40 | 6.47 | 6.50 | 6.55 | 7.20 |
| 6.25 | 6.50 | 6.55 | 6.58 | 7.05 | 7.10 | 7.17 | 7.20 | 7.25 | 7.50 |
| 6.55 | 7.20 | 7.25 | 7.28 | 7.35 | 7.40 | 7.47 | 7.50 | 7.55 | 8.20 |
| 7.25 | 7.50 | 7.55 | 7.58 | 8.05 | 8.10 | 8.17 | 8.20 | 8.25 | 8.50 |
| 7.55 | 8.20 | 8.25 | 8.28 | 8.35 | 8.40 | 8.47 | 8.50 | 8.55 | 9.20 |
| 8.30 | 8.55 | 9.00 | 9.03 | 9.10 | 9.15 | 9.22 | 9.25 | 9.30 | 9.55 |
| 9.20 | 9.45 | 9.50 | 9.53 | 10.00 | 10.00 | 10.07 | 10.10 | 10.15 | 10.40 |
| 10.00 | 10.25 | 10.30 | 10.33 | 10.40 | 10.45 | 10.52 | 10.55 | 11.00 | 11.25 |
| 10.45 | 11.10 | 11.15 | 11.18 | 11.25 | 11.30 | 11.37 | 11.40 | 11.45 | 12.10 |
| 11.30 | 11.55 | 12.00 | 12.03 | 12.10 | P.M. | | | | |
| P.M. | | | | | 12.30 | 12.37 | 12.40 | 12.45 | 1.10 |
| 12.30 | 12.55 | 1.00 | 1.03 | 1.10 | 1.30 | 1.37 | 1.40 | 1.45 | 2.10 |
| 1.30 | 1.55 | 2.00 | 2.03 | 2.10 | 2.15 | 2.22 | 2.25 | 2.30 | 2.55 |
| 2.15 | 2.40 | 2.45 | 2.48 | 2.55 | 3.00 | 3.07 | 3.10 | 3.15 | 3.40 |
| 3.00 | 3.25 | 3.30 | 3.33 | 3.40 | 3.45 | 3.52 | 3.55 | 4.00 | 4.25 |
| 3.45 | 4.10 | 4.15 | 4.18 | 4.25 | 4.30 | 4.37 | 4.40 | 4.45 | 5.10 |
| 4.15 | 4.40 | 4.45 | 4.48 | 4.55 | 5.00 | 5.07 | 5.10 | 5.15 | 5.40 |
| 4.45 | 5.10 | 5.15 | 5.18 | 5.25 | 5.30 | 5.37 | 5.40 | 5.45 | 6.10 |
| 5.15 | 5.40 | 5.45 | 5.48 | 5.55 | 6.00 | 6.07 | 6.10 | 6.15 | 6.40 |
| 5.45 | 6.10 | 6.15 | 6.18 | 6.25 | 6.30 | 6.37 | 6.40 | 6.45 | 7.10 |
| 6.15 | 6.40 | 6.45 | 6.48 | 6.55 | 7.00 | 7.07 | 7.10 | 7.15 | 7.40 |
| 7.30 | 7.55 | 8.00 | 8.03 | 8.10 | 8.30 | 8.37 | 8.40 | 8.45 | 9.10 |
| 9.15 | 9.40 | 9.45 | 9.48 | 9.55 | 10.00 | 10.07 | 10.10 | 10.15 | 10.40 |
| 10.45 | 11.10 | 11.15 | 11.18 | 11.25 | 11.30 | 11.37 | 11.40 | 11.45 | 12.10 |

Schedule for Sunday and Holidays on reverse side

**EXHIBIT "E".**

POLICE COURT OF LOUISVILLE
No. B9174

Commonwealth of Kentucky and
City of Louisville, - - - - - - Plaintiffs,
v.
Sam Thompson, - - - - - - - - - Defendant.

**AVOWAL OF SAM THOMPSON.**

The witness Sam Thompson, if permitted to answer, would testify, and the same is true, that on January 10, 1959, he was arrested without a warrant by officer F. Fletcher of the Louisville Police Force and without legal cause was charged with the crime of disorderly conduct; that on January 11, 1959, he retained counsel and on January 12, 1959, when arraigned in Louisville Police Court demanded a trial, whereupon the case was assigned for trial January 27, 1959; that on January 12, 1959, he obtained his liberty on bond pending trial; that on January 14, 1959, the said police office F. Fletcher and officer J. S. Suter arrested him without a warrant and without legal cause charged him with the crimes of loitering and vagrancy; that after his said arrest and while conveying him to Police Headquarters one of the said police officers said, "I ought to whip your ass", and pulled his hat roughly down over his face, giving him to understand that he had been thus re-arrested because he had retained counsel, pleaded not guilty and demanded a trial on the previous disorderly conduct charge, which would put officer Fletcher to the trouble of appearing in court to testify on January 27, 1959; that on January 14, 1959, he retained counsel, pleaded not guilty to said charges of vagrancy and loitering and demanded a trial, whereupon the case was assigned

for trial January 20, 1959; that a trial on said charges was held in Louisville Police Court on that date, at which no evidence was introduced to support the charges, as evidenced by the transcript of evidence authenticated by the certificate of James G. Warren, official stenographer of said Police Court, a counterpart original copy of which transcript is attached hereto and tendered in evidence herewith; that the Judge of said Court nevertheless found him guilty of loitering but stated his intention to file away the vagrancy charge, whereupon defense counsel objected to such action, as a result of which the said Judge found him guilty of vagrancy also; that he thereupon immediately perfected an appeal from said judgment of conviction to Jefferson Circuit Court and made a supersedeas bond, thus obtaining his liberty pending determination of the appeal, which has not yet been decided; and that on January 27, 1959, the original charge of disorderly conduct came on for trial in Louisville Police Court and was filed away.

Further, that he is a person of limited income, earning approximately $12 to $20 a week; that although said income is sufficient for his minimum personal needs, he has little or no surplus funds; that he has incurred attorney fees totaling $50 for representation in the two cases aforesaid, has spent $24 for the fees on his two aforesaid bail bonds and $27 for the fee on his said supersedeas bond fee on appeal; that in the present case he has incurred a further attorney fee in the amount of $25 and another bail bond fee in the amount of $12; that he will probably be financially unable to defend himself against further groundless arrests and prosecutions; and that if he is forced to abandon such defense because of the expense involved, he will have been denied all redress against the aforesaid unjustified and malicious prosecutions even though said prosecutions were wholly without legal cause.

(s) Louis Lusky,
Attorney for Defendant.

## EXHIBIT "F".

POLICE COURT OF LOUISVILLE
No. B9174

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Commonwealth of Kentucky and
City of Louisville, - - - - - - Plaintiffs,

v.

Sam Thompson, - - - - - - - Defendant.

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## MOTION TO DISMISS AT CLOSE OF WHOLE CASE.

Comes now the defendant by counsel at the close of the whole case and renews his motion to dismiss previously made at the close of the prosecution's case, on the same Federal constitutional and other grounds as were stated in said earlier motion.

(s) Louis Lusky,
Attorney for Defendant.

## EXHIBIT "G".

POLICE COURT OF LOUISVILLE
No. B9174

Commonwealth of Kentucky and
City of Louisville, - - - - - - Plaintiffs,

v.

Sam Thompson, - - - - - - - Defendant.

### APPLICATION FOR STAY AND FOR BAIL.

Comes now the defendant by counsel and respectfully states to the Court that he desires to seek review of the judgment of conviction herein in the Supreme Court of the United States, in order to obtain adjudication of his constitutional rights under the Due Process Clause of the Fourteenth Amendment to the United States Constitution; that he will, in the near future, apply for review in the Supreme Court on certiorari or appeal; that, however, his application for appeal or certiorari will not be acted upon by that Court, in the ordinary course, for a month or more; and that if he is committed to jail during that period his sentence herein will have been served and satisfied before the Supreme Court can act on his application for review and the case will thereby become moot; and that, in order to preserve his right to the determination of his rights under the United States Constitution, it is constitutionally necessary that execution of the sentence herein be stayed for a time sufficient to enable him to seek review of the case in the Supreme Court and, if said Court takes jurisdiction of the case, for a further period pending final disposition of the case by that Court.

*Exhibit "G"—Application for Stay, Etc.*

Wherefore, the defendant moves that execution of the sentence herein be stayed until final disposition of the case by the United States Supreme Court, and that defendant be allowed his freedom during the period of said stay upon execution of a proper supersedeas or bail bond, with good sureties, it being understood that if the defendant shall fail to make application to the Supreme Court of the United States for review of the case within the period permitted by law, the stay herein shall be automatically terminated and the defendant shall forthwith surrender himself for execution of the sentence.

(s) Louis Lusky,
Attorney for Defendant.

## EXHIBIT "H".

POLICE COURT OF LOUISVILLE
No. B9174

Commonwealth of Kentucky and
City of Louisville, - - - - - - - Plaintiffs,

v.

Sam Thompson, - - - - - - - - - Defendant.

### MOTION FOR NEW TRIAL.

The defendant by counsel moves for a new trial on the same Federal constitution and other grounds as were stated in his motion to dismiss at the close of the prosecution's case and his further motion to dismiss at the close of the whole case, and prays an opportunity to argue the motion on the basis of the transcript of evidence after said transcript has been prepared by the Official Stenographer of this Court.

(s) Louis Lusky,
Attorney for Defendant.

POLICE COURT OF LOUISVILLE
No. B9174-A

Commonwealth of Kentucky and
City of Louisville, - - - - - - Plaintiffs,

v.

Sam Thompson, - - - - - - - Defendant.

**JUDGMENT—LOITERING.**

The above-styled case having come on for trial without a jury before the Honorable Hugo Taustine on February 3, 1959, and the defendant having appeared personally and by counsel, and evidence having been received and argument heard, and the Court being sufficiently advised, it is

Ordered and Adjudged that the defendant is found guilty of loitering as charged, under Section 85-12 of the Ordinances of the City of Louisville; and pursuant to Section 85-13 of said Ordinances he is fined $10 and is ordered to pay the costs of this action; and

Whereas the foregoing judgment is not appealable or otherwise reviewable by any Kentucky Court, but the defendant by counsel has declared his intention to seek review thereof in the Supreme Court of the United States, and to that end has applied for a stay of execution and bail pending disposition of the case by said Supreme Court, and whereas the Court being advised is of the opinion that it is legally powerless to suspend execution or allow bail for more than 24 hours, it is further

Ordered that execution of the foregoing judgment and sentence be and it hereby is suspended for 24 hours, to-wit, until 12:00 o'clock Noon on February 4, 1959, at which time the defendant shall surrender himself to Kenneth

Wildt, Bailiff of this Court, for execution of the sentence; and it is further Ordered that the defendant may remain at liberty upon his appearance bond heretofore executed until that time.

(s) Hugo Taustine, Judge,
Police Court of Louisville.
Enter: February 3, 1959.

A true copy:
Attest—H. C. Akin,
Clerk, Police Court of
Louisville.

## JUDGMENT—DISORDERLY CONDUCT.

The above-styled case having come on for trial without a jury before the Honorable Hugo Taustine on February 3, 1959, and the defendant having appeared personally and by counsel, and evidence having been received and argument heard, and the Court being sufficiently advised, it is

Ordered and Adjudged that the defendant is found guilty of disorderly conduct as charged, under Section 85-8 of the Ordinances of the City of Louisville; and pursuant thereto, he is fined $10 and is ordered to pay the costs of this action; and

Whereas the foregoing judgment is not appealable or otherwise reviewable by any Kentucky Court, but the defendant by counsel has declared his intention to seek review thereof in the Supreme Court of the United States, and to that end has applied for a stay of execution and bail pending disposition of the case by said Supreme Court, and whereas the Court being advised is of the opinion that it is legally powerless to suspend execution or allow bail for more than 24 hours, it is further

Ordered that execution of the foregoing judgment and sentence be and it hereby is suspended for 24 hours, to-wit, until 12:00 o'clock Noon on February 4, 1959, at which time the defendant shall surrender himself of Kenneth Wildt, Bailiff of this Court, for execution of the sentence; and it is further Ordered that the defendant may remain at liberty upon his appearance bond heretofore executed until that time.

(s) Hugo Taustine, Judge,
Police Court of Louisville.
Enter: February 3, 1959.

A true copy:
Attest—H. C. Akin,
Clerk, Police Court of
Louisville.

JEFFERSON CIRCUIT COURT
Common Pleas Branch, Fifth Division
No. 40175

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Sam Thompson, - - - - - - - - Petitioner,

v.

Hugo Taustine, Judge, Police Court of Louisville; Solon F. Russell, the Sheriff of Jefferson County; and Kenneth Wildt, the Bailiff of the Police Court of Louisville, - - Respondents.

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**ORDER.**

This matter having been regularly brought on for hearing on the petition for writ of Habeas Corpus by Sam Thompson, and Kenneth A. Wildt, Bailiff of the Police Court of Louisville, having produced the petitioner in obedience to said writ and having filed his response showing that he is holding the petitioner in custody under two commitments duly issued by the Clerk of the Police Court on two judgments entered in the Police Court in cases No.'s B9174A and B9174B wherein Sam Thompson was the defendant, and it appearing from the pleadings herein and from the provisions of the Kentucky Revised Statutes that the petitioner can not appeal the judgments of the Police Court mentioned above or otherwise obtain review of said judgments in any court of the Commonwealth of Kentucky and that said petitioner desires to apply to the Supreme Court of the United States for a writ of certiorari on the ground that his constitutional rights under the Federal Constitution have been violated by the judgments above set out, and it further appearing to the Court that it will take more than ten days for application for the writ of

certiorari to be made to the Supreme Court, and that unless the carrying into execution of the two judgments of the Police Court is stayed while said application is being made to the Supreme Court, the constitutional questions raised by the petitioner will become moot, it is, therefore,

Ordered, Considered And Adjudged by this Court that the petition for writ of habeas corpus herein be granted and that the petitioner, Sam Thompson, execute bond in the penal sum of $35.00 with approved surety, or by depositing with the Clerk of this Court $35.00 in United States currency, the bond to be conditioned upon his surrendering himself forthwith to the Bailiff of the Police Court of Louisville to be dealt with and proceeded against according to law in the event the two above-mentioned judgments of the Police Court of Louisville shall be affirmed, or his petition for a writ of certiorari be for any cause dismissed or denied by the Supreme Court of the United States, or if such petition be not filed on or before May 4, 1959, or if said writ is granted and the judgment of the Police Court of the City of Louisville is reversed and a new trial ordered.

It Is Further Ordered by the Court that the Police Court of Louisville and the Bailiff thereof shall suspend all actions and proceedings to enforce said two aforementioned judgments, in accordance with the terms of this order, and that an attested copy of this order be sent to the Clerk of the Police Court of Louisville with directions to include said attested copy in such transcript of record as shall be prepared in the two above-mentioned cases.

(s) Lawrence S. Grauman,
Judge.

Attested Copy: John M. Hennessy,
Circuit Clerk.

By: [illegible], D. C.

[fol. 81]

SUPREME COURT OF THE UNITED STATES

No. 884, October Term, 1958

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SAM THOMPSON, Petitioner,

vs.

CITY OF LOUISVILLE et al.

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ORDER ALLOWING CERTIORARI—June 22, 1959

The petition herein for a writ of certiorari to the Police Court of Louisville of the Commonwealth of Kentucky is granted. The case is transferred to the summary calendar.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.